

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

HERBERT BROWN,)	
)	
Plaintiff,)	
)	CIVIL NO. 2007-0065
v.)	
)	
DEPARTMENT OF HOMELAND)	
SECURITY, U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES, AND)	
MARIA ARAN, DISTRICT DIRECTOR)	
OF U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES PUERTO)	
RICO, U.S. IMMIGRATION CUSTOMS)	
ENFORCEMENT ST. CROIX DISTRICT,)	
ATTORNEY GENERAL, ALBERTO)	
GONZALEZ)	
)	
Defendants.)	
_____)	

ORDER

FINCH, J.

THIS MATTER comes before the Court on a Motion to Dismiss or, in the alternative, for Summary Judgment filed by Defendants. After careful consideration of the Motion to Dismiss this matter for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1), or in the alternative for Summary Judgment pursuant to Fed. R. Civ. P. 56, and being fully advised in the premises, the Court finds as follows:

This Court lacks subject matter jurisdiction of this matter, in as much as the relief sought by Plaintiff, i.e., for the Department of Homeland Security, United States Office of Citizenship and Immigration Services (CIS) to render a decision on an I-130 Petition filed by Plaintiff's spouse, has been done by CIS. Plaintiff, in his prayer for relief, specifically asked this Court to

compel CIS to make a decision on an I-130 petition for a visa filed on his behalf by his spouse and CIS has approved the I-130 on June 22, 2007. Since CIS has already granted Plaintiff's request, there is nothing for this Court to determine or to compel CIS to do by way of mandamus. Defendant CIS's voluntary actions renders the relief requested in Plaintiff's complaint moot. Since there is no case or controversy before the Court, it is hereby

ORDERED that Defendant's Motion to Dismiss for lack of subject matter jurisdiction is **GRANTED**; and it is further

ORDERED that Defendant's Motion to Deem Conceded Defendant's Motion to Dismiss is **DISMISSED**.

ENTERED this 30th day of May, 2008.

/s/
HONORABLE RAYMOND L. FINCH
U.S. DISTRICT JUDGE